



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman**

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Arnold
Schwarzenegger
Governor

June 5, 2007

In the Matter of
Water Quality Certification

for the

**WESTSIDE GRAPES LLC,
HOP KILN WINERY BRIDGE AND BANK STABILIZATION PROJECT
WDID NO. 1B06085WNSO**

APPLICANT: Westside Grapes LLC
RECEIVING WATER: Pistol Creek, Sub Area No. 114.25.
HYDROLOGIC AREA: Russian River Hydrologic Area No. 114.00
COUNTY: Sonoma County
FILE NAME: Hop Kiln Winery Bridge and Bank Stabilization Project

BY THE EXECUTIVE OFFICER:

1. On March 14, 2007, the applicant filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Hop Kiln Winery Bridge and Bank Stabilization Project (Project). A fee in the amount of \$779.50 was received on June 14, 2006. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 9, 2007, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The Project is located on the Hop Kiln Winery property at 6050 Westside Road, Healdsburg, Sonoma County, 38.53873° latitude, -122.86575° longitude. The purpose of the Project is to replace a bridge that has been washed out by 2006 storm flooding. The bridge and its supports have subsequently been removed by the Applicant.
3. The Project involves two sites located approximately 150-feet apart from one another on a 300-ft reach of Pistol Creek. A new bridge will be constructed in the location of the old bridge. The channel under and around the bridge will be restored to a stable geometry by re-establishing a bank-full channel and over bank-full

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terraces. The upstream site work will consist of stabilizing an eroded bank with rock slope protection in addition to adding three rock grade control structures across the channel within the bridge area and at the upstream site. Prior to any work in the channel the Project site would be cleared of salmonids and other species by a qualified fisheries biologist. All rock slope protection (rip-rap) will be heavily vegetated.

4. Compensatory mitigation will occur on the Project site within the footprints of the area of impact. Mitigation will entail the construction of a roughened channel or "nature-like" fish-way, which is an over-steepened channel designed to allow for passage of fish and other aquatic organisms in addition to accommodating peak flows, associated debris and sediment. Vegetation removal will be minimized. All trees removed will be replaced at a ratio of 3:1 with species native to the immediate area. A native stock of willows (Arroyo willows will not be used) will be obtained from onsite cuttings, and will provide soil stability in addition to riparian cover for the channel. A five year monitoring plan will be implemented with an 85% survival rate of all proposed plant species. The Project will result in permanent impacts to 0.45 acres of stream bank.
5. The California Department of Fish and Game, as the lead California Environmental Quality Act (CEQA) agency, has determined that this Project qualifies for a Categorical Exemption, 15301 – Existing Facilities, September 29, 2006, pursuant to CEQA. The Project is exempt from CEQA under California Code of Regulations, title 14, section 15061, subdivision (b). The Project meets the exemption criteria under title 14, California Code of Regulations, section 15301(c) Existing Facilities. The Regional Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this order.
6. Construction Best Management Practices (BMPs) will be incorporated into the final Project plans in order to reduce and control soil erosion. Work in and around waterways will be conducted during the dry season, and will include installation of construction barrier fencing to preclude equipment entry into sensitive areas, installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area, topsoil salvage and reapplication, and seeding and mulching.
7. Applicant has applied for a United States Army Corps of Engineers Nationwide Permits 33 and 39, file number 30324N.
8. Applicant has received a California Department of Fish and Game 1602 Streambed Alteration Agreement, on September 25, 2006, Notification Number: 1600-2006-0412-3.

Receiving Water: Pistol Creek, Sub Area No. 114.25,
Russian River Hydrologic Area No. 114.00

Latitude/Longitude: 38.53873° north, -122.86575° west

Expiration: October 15, 2009.

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE HOP KILN WINERY BRIDGE AND BANK STABILIZATION PROJECT (FACILITY NO. 1B06085WNSO), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under title 23, California Code of Regulations, section 3833, unless otherwise stated in writing by the certifying agency.
4. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's Project description, and b) compliance with all applicable requirements of the Basin Plan.
5. Applicant shall construct the Project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
6. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.

7. Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
8. Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Applicant shall be responsible for work conducted by its contractor or subcontractors.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated Project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
10. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
11. If construction dewatering is found to be necessary, the applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage prior to discharge to surface waters.
12. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the applicant use any vehicle or equipment which leaks any substance that may impact water quality.
13. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other Project activities that could result in erosion or sediment discharges to surface water.
14. All conditions required by this Order shall be included in the Plans and Specifications prepared by applicant for the Contractor. In addition, applicant shall require compliance with all conditions included in this Order in the bid contract for this Project.
15. All mitigation activities shall be completed as proposed in the application.
16. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law.

For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.

17. The Regional Water Board may add to or modify the conditions of this certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
18. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation
 - c. address and phone number of contact person
 - d. description of any changes to the Project or confirmation that the successor-in-interest intends to implement the Project as described in this Order.
19. The authorization of this Order for any dredge and fill activities expires on October 15, 2009. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

Catherine E. Kuhlman
Executive Officer

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Original sent to: Westside Grapes LLC, Hop Kiln Winery, 6050 Westside Road,
Healdsburg, CA 95448

Copies sent to: Winzler & Kelly, 495 Tesconi Cir., Santa Rosa, CA 95401

Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water
Act Section 401 Certification and Wetlands Unit Program

Ms. Samantha Olson, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory
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Mr. Bill Cox, California Department of Fish and Game, P.O. Box 47,
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